



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,143	03/12/2004	Joel A. Barker	B377-029-PAT	6798

7590 04/14/2009
Angenehm Law Firm, Ltd.
P.O. Box 48755
Coon Rapids, MN 55448-0755

EXAMINER

RIFKIN, BEN M

ART UNIT	PAPER NUMBER
----------	--------------

2129

MAIL DATE	DELIVERY MODE
-----------	---------------

04/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,143	Applicant(s) BARKER, JOEL A.	
	Examiner Ben M. Rifkin	Art Unit 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/16/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. As required by M.P.E.P 609(c), the applicant's submissions of the Information Disclosure Statement dated 1/16/2009 is acknowledged by the examiner. However, the cited references have not been considered in the examination of the claims now pending. The references disclosed within the IDS have not been sent/received by the examiner, and therefore could not be considered for this office action. All books, papers, and other information cited within an IDS must be delivered to the office. As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schreier** ("Thinking about Thinking") in view of **Heckerman** et al (US 6742003 B2).

As per claim 1, Schrier discloses, "A method of exploring: comprising the steps of: writing center text" (Pg.5, particularly the last paragraph; *EN: this denotes the implications wheel, and carefully defining the center issue.* Pg.6; *EN: This denotes a picture of the wheel*). "Displaying the center text in a center node" (Pg.6; *EN: This denotes a picture of a wheel, with "Train Length May increase by 50-100%" being the center node*). "Writing first order implications, each first order implication forming at least a part of an arc" (Pg. 6, particularly the figure on that page. Pg.5, particularly the figure; *EN: both these figures disclose first order implications tied to the center portion. Each is an "arc" in the sense that it is a broken up portion of the wheel as disclosed in the specification of the instant application*). "Displaying each first order implication in a first order node; Connecting each first order node to the center node; writing any desired child implications of any existing implications; displaying the child implications in child nodes; connecting the child nodes to an associated parent node to form a wheel;" (Pg.6, particularly the figure; *EN: this denotes first order nodes in the figure, their connections, and their children, all in their respective nodes*). However, Schrier fails to explicitly disclose, "Preparing and displaying a summary of the wheel including only those

Art Unit: 2129

implications, together with any ancestor implications necessary to connect to the center text, that are both significant implications and match any user determined auxiliary summary parameters."

Heckerman discloses, "Preparing and displaying a summary of the wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that are both significant implications and match any user determined auxiliary summary parameters" (C5, particularly L15-62; *EN: this denotes the user interacting with a user interface of a display of interrelationships among a cluster (a graph), and being able to select different levels of hierarchy and display different summaries based on what information they want to see*).

Schrier and Heckerman are analogous art because both involve graphical display of organized information.

At the time of invention it would have been obvious to one skilled in the art of graphical display of organized information to combine the work of Schrier and Heckerman in order to allow the display program to summarize information in the graph for the user.

The motivation for doing so would be to allow the user to "Browse through a hierarchy of displayed clusters, and, if

Art Unit: 2129

desired, select individual clusters for comparison with each other." (Heckerman, C4, L35-49). Further, summarizing clearly has inherent benefits, making large amounts of information easy to read and understand.

Therefore at the time of invention it would have been obvious to one skilled in the art of graphical display of organized information to combine the work of Schrier and Heckerman in order to allow the display program to summarize information in the graph for the user.

As per claim 2, Heckerman discloses, "visually ...the wheel in a plane skewed to a plane defined by a monitor screen" (C5, particularly L43-53; *EN: this denotes the user browsing through the clusters, moving things around as they choose in order to see what data they wish to see*).

While Heckerman and Schrier do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per claim 3, Heckerman discloses, "Wherein the wheel is rotated when any node is selected; the selected node is rotated

to the foreground" (C5, particularly L43-53; *EN: this denotes the user browsing through the clusters, selecting what they wish to see*).

As per **claim 4**, Heckerman discloses, "Wherein the nodes forming the wheel are displayed in a diminished mode such that the implications within the node is not revealed" (C8, particularly L1-10; *EN: this denotes de-emphasizing the nodes (hiding) so that users can concentrate on more important nodes*).

As per **claim 5**, Heckerman discloses, "Fully displaying each node including revealing each implication within each node" (Fig. 4 and associated paragraphs; *EN: this denotes a graph showing all available nodes and their information*).

As per **claim 6**, Schrier discloses, "fully displaying a portion of the nodes, including revealing the implications within some of the nodes" (pg.6, particularly the figure; *EN: this denotes a graph with some nodes with information showing, some without information showing*).

Claim Rejections - 35 USC § 103

2. **Claim 7** rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Schreier ("Thinking about Thinking") and Heckerman et al (US 6742003 B2) in view of Amini (US 6581102 B1).

As per claim 7, Schrier discloses, "Scoring" (Pg.25, particularly the second to last paragraph; *EN: this denotes scoring being used in tandem with the Implication Wheel discussed throughout the paper*).

Heckerman Further defines "Scoring" (C5, particularly L21-33; *EN: this denotes scoring the various clusters in the graph*).

Neither Schrier nor Heckerman explicitly disclose, "Electronically distributing" or "Encrypting data associated with one arc."

Amini discloses, "electronically distributing" or "Encrypting data associated with one arc." (C20, particularly L24-37; *EN: This denotes electronically distributing information using encryption to protect that information*).

Schrier, Heckerman and Amini are analogous art because they all involve electronic information.

At the time of invention it would have been obvious to one skilled in the art of electronic information to combine the work of the combination of Schrier and Heckerman, with Amini in order to use encryption to protect information while it is being transferred.

The motivation for doing so would be to make sure information "being transmitted over the public network is secured" (Amini, C20, L23-38).

Therefore at the time of invention it would have been obvious to one skilled in the art of electronic information to combine the combination of Schrier, Heckerman, and Amini in order to use encryption to protect information while it is being transferred.

Claim Rejections - 35 USC § 103

3. **Claims 8-13 and 15-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreier ("Thinking about Thinking") in view of Bollacker et al (US 20050049986 A1).

As per **claim 8**, Schreier discloses, "A method of exploring: comprising the steps of: writing center text" (Pg.5, particularly the last paragraph; *EN: this denotes the implications wheel, and carefully defining the center issue.* Pg.6; *EN: This denotes a picture of the wheel*). "Displaying the center text in a center node" (Pg.6; *EN: This denotes a picture of a wheel, with "Train Length May increase by 50-100%" being the center node*). "Writing first order implications, each first order implication forming at least a part of an arc" (Pg. 6, particularly the figure on that page. Pg.5, particularly the figure; *EN: both these figures disclose first order implications tied to the center portion. Each is an "arc" in the sense that it is a broken up portion of the wheel as disclosed in the specification of the instant application*). "Displaying each

Art Unit: 2129

first order implication in a first order node; Connecting each first order node to the center node; writing any desired child implications of any existing implications; displaying the child implications in child nodes; connecting the child nodes to an associated parent node to form a wheel;" (Pg.6, particularly the figure; *EN: this denotes first order nodes in the figure, their connections, and their children, all in their respective nodes*). Schrier defines "scoring" (C5, particularly L21-33; *EN: this denotes scoring the various clusters in the graph*). However, Schrier fails to explicitly disclose, "Scoring the implications according to at least two view points; and preparing and displaying a conflict summary wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that both are significant implications and received a conflicting score between at least two different view points."

Bollacker discloses, "Scoring the implications according to at least two view points" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052; *EN: this denotes taking information from numerous sources (view points) as seen in Figure 4, and using them to make predictions, as well as scoring the various pieces with confidence and influence values, determining how important/likely/correct a source of information*

Art Unit: 2129

is). "Preparing and displaying a conflict summary wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that both are significant implications and received a conflicting score between at least two different viewpoints" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. It clearly includes numerous view points (as shown by the various different information coming to the conclusion shown in Figure 4) and this includes viewpoints that add or detract to the conclusion at the top of the graph, providing conflicting viewpoints).*

Schrier and Bollacker are analogous art because both involve graphical display of organized information and decision making.

At the time of invention it would have been obvious to one skilled in the art of graphical display of organized information and decision making to combine the work of Schrier and Bollacker in order to allow the display program to summarize information

in a manner easy to understand and allow multiple view points to be used within the process.

The motivation for doing so would be to allow the user to "Filter and organize the received information into a useful form" (Bollacker, Paragraph 0002) and "allow a user to immediately see the impact of any change of reasoning" (Bollacker, paragraph 0024).

Therefore at the time of invention it would have been obvious to one skilled in the art of graphical display of organized information and decision making to combine the work of Schrier and Bollacker in order to allow the display program to allow the display program to summarize information in a manner easy to understand and allow multiple view points to be used within the process.

As per **claim 9**, Bollacker discloses, "visually ... the conflict summary wheel in a plane skewed to a plane defined by a monitor screen" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see*).

While Schrier and Bollacker do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per **claim 10**, Bollacker discloses, "Wherein the wheel is ... when a node is selected, the selected node being rotated to the foreground" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. pg.3, particularly paragraph 0033; EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

While Schrier and Bollacker do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that

Art Unit: 2129

rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per **claim 11**, Bollacker discloses, "Wherein the node forming the wheel are displayed in a diminished mode such that the implication within the node is not revealed" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. pg.3, particularly paragraph 0033; EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

As per **claim 12**, Bollacker discloses, "fully displaying each node including revealing each implication within each node" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. pg.3, particularly paragraph 0033; EN: this denotes using various methods to display information, including color changes,*

font changes, thickness changes, and other methods of displaying information).

As per **claim 13**, Bollacker discloses, "fully displaying a portion of the nodes, including revealing the implications within some of the nodes" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. pg.3, particularly paragraph 0033; EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

As per **claim 15**, Schrier discloses, "A method of exploring: comprising the steps of: writing center text" (Pg.5, particularly the last paragraph; *EN: this denotes the implications wheel, and carefully defining the center issue. Pg.6; EN: This denotes a picture of the wheel).* "Displaying the center text in a center node" (Pg.6; *EN: This denotes a picture of a wheel, with "Train Length May increase by 50-100%" being the center node).* "Writing first order implications, each first order implication forming at least a part of an arc" (Pg. 6, particularly the figure on that page. Pg.5, particularly the

figure; EN: both these figures disclose first order implications tied to the center portion. Each is an "arc" in the sense that it is a broken up portion of the wheel as disclosed in the specification of the instant application). "Displaying each first order implication in a first order node; Connecting each first order node to the center node; writing any desired child implications of any existing implications; displaying the child implications in child nodes; connecting the child nodes to an associated parent node to form a wheel;" (Pg.6, particularly the figure; EN: this denotes first order nodes in the figure, their connections, and their children, all in their respective nodes). However, Schrier fails to explicitly disclose, "randomly selecting any node of any order to be scored by clicking on the node; scoring the selected node as to significance and likelihood; and visually removing indicia designating a node as non-scored and marking the node as scored once the node is scored, such marking being positionable inside the node, on the line defining the node and outside the node."

Bollacker discloses, "Randomly selecting any node of any order to be scored by clicking on the node" (Pg.4, particularly paragraph 0045; EN: this denotes the user altering the nodes and allowing the changed values to propagate through the network, or to halt their propagation through the network as needed by the

user. This discloses the user interacting with a node to score the node). "Scoring the selected node as to significance and likelihood" (Pg.7, particularly paragraph 0074; EN: this denotes scoring nodes with a confidence value (likelihood) and an influence value (significance)). "Visually removing indicia designating a node as non-scored and marking the node as scored once the node is scored, such marking being positionable inside the node, on the line defining the node and outside the node" (Pg.7, particularly paragraph 0073; EN: this denotes the user scoring the node, and identifying that it is scored in various ways, including changing the appearance of the node or using a numerical indicator).

Schrier and Bollacker are analogous art because both involve graphical display of organized information and decision making.

At the time of invention it would have been obvious to one skilled in the art of graphical display of organized information and decision making to combine the work of Schrier and Bollacker in order to allow the display program to allow the user to interact with the graph in order to score nodes with various methods and use various visual indicia of scores for the graph.

The motivation for doing so would be to allow the user to "Filter and organize the received information into a useful

Art Unit: 2129

form" (Bollacker, Paragraph 0002) and "allow a user to immediately see the impact of any change of reasoning" (Bollacker, paragraph 0024).

Therefore at the time of invention it would have been obvious to one skilled in the art of graphical display of organized information and decision making to combine the work of Schrier and Bollacker in order to allow the display program to allow the display program to allow the user to interact with the graph in order to score nodes with various methods and use various visual indicia of scores for the graph.

As per **claim 16**, Bollacker further discloses, "coloring the inside of the node; and changing the color of text within the node" (pg.3, particularly paragraph 0033; *EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information*).

As per **claim 17**, Schrier discloses, "Distrusting arcs for completion and scoring; and combining completed and scored arcs into a wheel" (Pg.6, particularly the second figure; *EN: this denotes building up the implications wheel using arcs and displaying the information*). Schrier discloses, "Scoring" (pg.25, particularly the second to last paragraph; *EN: this denotes scoring the implications wheel*).

Bollacker further defines "scoring" (Pg.7, particularly paragraph 0074; *EN: this denotes scoring nodes with a confidence value (likelihood) and an influence value (significance)*).

As per **claim 18**, Bollacker discloses, "visually ... the wheel in a plane skewed to a plane defined by a monitor screen" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see*).

While Schrier and Bollacker do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per **claim 19**, Bollacker discloses, "Wherein the wheel is rotated when a node is selected; the selected node being rotated to the foreground" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It*

Art Unit: 2129

further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see).

As per **claim 20**, Bollacker discloses, "Wherein the nodes forming the wheel are displayed in a diminished mode such that the implication within the node is not revealed" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see pg.3, particularly paragraph 0033; EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

As per **claim 21**, Bollacker discloses, "Fully displaying a portion of the nodes, including revealing the implications within some of the nodes" pg.3, particularly paragraph 0033; *EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information pg.3, particularly paragraph 0033; EN: this denotes using various methods to*

display information, including color changes, font changes, thickness changes, and other methods of displaying information).

Claim Rejections - 35 USC § 103

4. **Claim 14** rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Schreier ("Thinking about Thinking") and Bollacker et al (US 2005004996 A1) in view of Amini (US 6581102 B1).

As per **claim 14**, Schrier discloses, "Scoring" (Pg.25, particularly the second to last paragraph; *EN: this denotes scoring being used in tandem with the Implication Wheel discussed throughout the paper*).

Bollacker Further defines "Scoring" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052; *EN: this denotes taking information from numerous sources (view points) as seen in Figure 4, and using them to make predictions, as well as scoring the various pieces with confidence and influence values, determining how important/likely/correct a source of information is*).

Neither Schrier nor Bollacker explicitly disclose, "Electronically distributing" or "Encrypting data associated with one arc."

Amini discloses, "electronically distributing" or "Encrypting data associated with one arc." (C20, particularly

L24-37; *EN: This denotes electronically distributing information using encryption to protect that information).*

Schreier, Bollacker and Amini are analogous art because they all involve electronic information.

At the time of invention it would have been obvious to one skilled in the art of electronic information to combine the work of the combination of Schrier and Bollacker, with Amini in order to use encryption to protect information while it is being transferred.

The motivation for doing so would be to make sure information "being transmitted over the public network is secured" (Amini, C20, L23-38).

Therefore at the time of invention it would have been obvious to one skilled in the art of electronic information to combine the combination of Schrier, Bollacker, and Amini in order to use encryption to protect information while it is being transferred.

Claim Rejections - 35 USC § 103

In light of the IDS, the examiner has prepared a second set of rejections.

5. **Claims 1-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker ("Exercise: Improving Mediocre

Art Unit: 2129

Implications" - Filed as NPL on 1/16/2009 by applicant) in view of Heckerman et al (US 6742003 B2).

As per **claim 1**, Barker discloses, "A method of exploring: comprising the steps of writing center text; displaying the center text in a center node; writing first order implications, each first order implication forming at least a part of an arc; displaying each first order implication in a first order node; connecting each first order node to the center node;" (pg.1; *EN: this denotes the writing of a center text ("High Speed Japanese video phone"). It further discloses a round of first order implications/nodes (all the nodes connected to the center node))*). "Writing any desired child implications of any existing implications; displaying the child implications in child nodes; connecting the child nodes to an associated parent node to form a wheel;" (Pg.1; *EN: this denotes numerous children of other nodes, all with information displayed and appropriate connections*). However, Barker fails to explicitly disclose, "Preparing and displaying a summary of the wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that are both significant implications and match any user determined auxiliary summary parameters."

Heckerman discloses, "Preparing and displaying a summary of the wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that are both significant implications and match any user determined auxiliary summary parameters" (C5, particularly L15-62; *EN: this denotes the user interacting with a user interface of a display of interrelationships among a cluster (a graph), and being able to select different levels of hierarchy and display different summaries based on what information they want to see*).

Barker and Heckerman are analogous art because both involve graphical display of organized information.

At the time of invention it would have been obvious to one skilled in the art of graphical display of organized information to combine the work of Barker and Heckerman in order to allow the display program to summarize information in the graph for the user.

The motivation for doing so would be to allow the user to "Browse through a hierarchy of displayed clusters, and, if desired, select individual clusters for comparison with each other." (Heckerman, C4, L35-49). Further, summarizing clearly has inherent benefits, making large amounts of information easy to read and understand.

Therefore at the time of invention it would have been obvious to one skilled in the art of graphical display of organized information to combine the work of Barker and Heckerman in order to allow the display program to summarize information in the graph for the user.

As per **claim 2**, Heckerman discloses, "visually ...the wheel in a plane skewed to a plane defined by a monitor screen" (C5, particularly L43-53; *EN: this denotes the user browsing through the clusters, moving things around as they choose in order to see what data they wish to see*).

While Heckerman and Schrier do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per **claim 3**, Heckerman discloses, "Wherein the wheel is rotated when any node is selected; the selected node is rotated to the foreground" (C5, particularly L43-53; *EN: this denotes the user browsing through the clusters, selecting what they wish to see*).

As per **claim 4**, Heckerman discloses, "Wherein the nodes forming the wheel are displayed in a diminished mode such that the implications within the node is not revealed" (C8, particularly L1-10; *EN: this denotes de-emphasizing the nodes (hiding) so that users can concentrate on more important nodes*).

As per **claim 5**, Heckerman discloses, "Fully displaying each node including revealing each implication within each node" (Fig. 4 and associated paragraphs; *EN: this denotes a graph showing all available nodes and their information*).

As per **claim 6**, Barker discloses, "fully displaying a portion of the nodes, including reveling implications within some of the nodes" (Pg.112; *EN: this denotes a wheel with only half of the implications showing*).

Claim Rejections - 35 USC § 103

6. **Claim 7** rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Barker ("Exercise: Improving Mediocre Implications" - Filed as NPL on 1/16/2009 by applicant) and Heckerman et al (US 6742003 B2) in view of Amini (US 6581102 B1).

As per **claim 7**, Barker discloses, "Scoring" (Pg.7; *EN: this denotes numerous slides which disclose scoring in association with the wheel*).

Heckerman Further defines "Scoring" (C5, particularly L21-33; *EN: this denotes scoring the various clusters in the graph*).

Neither Barker nor Heckerman explicitly disclose, "Electronically distributing" or "Encrypting data associated with one arc."

Amini discloses, "Electronically distributing" and "Encrypting data associated with one arc." (C20, particularly L24-37; *EN: This denotes electronically distributing information using encryption to protect that information*).

The combination of Barker and Heckerman and Amini are analogous art because they all involve electronic information.

At the time of invention it would have been obvious to one skilled in the art of electronic information to combine the work of the combination of Barker and Heckerman, with Amini in order to use encryption to protect information while it is being transferred.

The motivation for doing so would be to make sure information "being transmitted over the public network is secured" (Amini, C20, L23-38).

Therefore at the time of invention it would have been obvious to one skilled in the art of electronic information to combine the combination of Barker, Heckerman, and Amini in order

to use encryption to protect information while it is being transferred.

Claim Rejections - 35 USC § 103

7. **Claims 8-13 and 15-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker ("Exercise: Improving Mediocre Implications" - Filed as NPL on 1/16/2009 by applicant) in view of Bollacker et al (US 20050049986 A1).

As per **claim 8**, Barker discloses, "A method of exploring: comprising the steps of writing center text; displaying the center text in a center node; writing first order implications, each first order implication forming at least a part of an arc; displaying each first order implication in a first order node; connecting each first order node to the center node;" (pg.1; *EN: this denotes the writing of a center text ("High Speed Japanese video phone"). It further discloses a round of first order implications/nodes (all the nodes connected to the center node))*). "Writing any desired child implications of any existing implications; displaying the child implications in child nodes; connecting the child nodes to an associated parent node to form a wheel;" (Pg.1; *EN: this denotes numerous children of other nodes, all with information displayed and appropriate connections*). Barker discloses, "Scoring" (Pg.14-15; *EN: this*

denotes numerous slides which disclose scoring in association with the wheel).

However, Barker fails to explicitly disclose, "Scoring the implications according to at least two view points; and preparing and displaying a conflict summary wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that both are significant implications and received a conflicting score between at least two different view points."

Bollacker discloses, "Scoring the implications according to at least two view points" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052; *EN: this denotes taking information from numerous sources (view points) as seen in Figure 4, and using them to make predictions, as well as scoring the various pieces with confidence and influence values, determining how important/likely/correct a source of information is*). "Preparing and displaying a conflict summary wheel including only those implications, together with any ancestor implications necessary to connect to the center text, that both are significant implications and received a conflicting score between at least two different viewpoints" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as*

Art Unit: 2129

seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. It clearly includes numerous view points (as shown by the various different information coming to the conclusion shown in Figure 4) and this includes viewpoints that add or detract to the conclusion at the top of the graph, providing conflicting viewpoints).

Barker and Bollacker are analogous art because both involve graphical display of organized information and decision making.

At the time of invention it would have been obvious to one skilled in the art of graphical display of organized information and decision making to combine the work of Barker and Bollacker in order to allow the display program to summarize information in a manner easy to understand and allow multiple view points to be used within the process.

The motivation for doing so would be to allow the user to "Filter and organize the received information into a useful form" (Bollacker, Paragraph 0002) and "allow a user to immediately see the impact of any change of reasoning" (Bollacker, paragraph 0024).

Therefore at the time of invention it would have been obvious to one skilled in the art of graphical display of

organized information and decision making to combine the work of Barker and Bollacker in order to allow the display program to allow the display program to summarize information in a manner easy to understand and allow multiple view points to be used within the process.

As per **claim 9**, Bollacker discloses, "visually ... the conflict summary wheel in a plane skewed to a plane defined by a monitor screen" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see*).

While Schrier and Bollacker do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per **claim 10**, Bollacker discloses, "Wherein the wheel is ... when a node is selected, the selected node being rotated to the foreground" (Fig. 4 and associated paragraphs, particularly

Art Unit: 2129

paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see.* pg.3, particularly paragraph 0033; *EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

While Schrier and Bollacker do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per **claim 11**, Bollacker discloses, "Wherein the node forming the wheel are displayed in a diminished mode such that the implication within the node is not revealed" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see.* pg.3,

Art Unit: 2129

particularly paragraph 0033; *EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

As per **claim 12**, Bollacker discloses, "fully displaying each node including revealing each implication within each node" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. pg.3, particularly paragraph 0033; EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

As per **claim 13**, Bollacker discloses, "fully displaying a portion of the nodes, including revealing the implications within some of the nodes" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see. pg.3, particularly*

Art Unit: 2129

paragraph 0033; *EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

As per **claim 15**, Barker discloses, "A method of exploring: comprising the steps of writing center text; displaying the center text in a center node; writing first order implications, each first order implication forming at least a part of an arc; displaying each first order implication in a first order node; connecting each first order node to the center node;" (pg.1; *EN: this denotes the writing of a center text ("High Speed Japanese video phone"). It further discloses a round of first order implications/nodes (all the nodes connected to the center node)). "Writing any desired child implications of any existing implications; displaying the child implications in child nodes; connecting the child nodes to an associated parent node to form a wheel;" (Pg.1; EN: this denotes numerous children of other nodes, all with information displayed and appropriate connections). Barker discloses, "Scoring" (Pg.14-15; *EN: this denotes numerous slides which disclose scoring in association with the wheel).* However, Barker fails to explicitly disclose, "randomly selecting any node of any order to be scored by clicking on the node; scoring the selected node as to significance and likelihood; and visually removing indicia*

Art Unit: 2129

designating a node as non-scored and marking the node as scored once the node is scored, such marking being positionable inside the node, on the line defining the node and outside the node."

Bollacker discloses, "Randomly selecting any node of any order to be scored by clicking on the node" (Pg.4, particularly paragraph 0045; *EN: this denotes the user altering the nodes and allowing the changed values to propagate through the network, or to halt their propagation through the network as needed by the user. This discloses the user interacting with a node to score the node*). "Scoring the selected node as to significance and likelihood" (Pg.7, particularly paragraph 0074; *EN: this denotes scoring nodes with a confidence value (likelihood) and an influence value (significance)*). "Visually removing indicia designating a node as non-scored and marking the node as scored once the node is scored, such marking being positionable inside the node, on the line defining the node and outside the node" (Pg.7, particularly paragraph 0073; *EN: this denotes the user scoring the node, and identifying that it is scored in various ways, including changing the appearance of the node or using a numerical indicator*).

Barker and Bollacker are analogous art because both involve graphical display of organized information and decision making.

At the time of invention it would have been obvious to one skilled in the art of graphical display of organized information and decision making to combine the work of Barker and Bollacker in order to allow the display program to allow the user to interact with the graph in order to score nodes with various methods and use various visual indicia of scores for the graph.

The motivation for doing so would be to allow the user to "Filter and organize the received information into a useful form" (Bollacker, Paragraph 0002) and "allow a user to immediately see the impact of any change of reasoning" (Bollacker, paragraph 0024).

Therefore at the time of invention it would have been obvious to one skilled in the art of graphical display of organized information and decision making to combine the work of Barker and Bollacker in order to allow the display program to allow the display program to allow the user to interact with the graph in order to score nodes with various methods and use various visual indicia of scores for the graph.

As per **claim 16**, Bollacker further discloses, "coloring the inside of the node; and changing the color of text within the node" (pg.3, particularly paragraph 0033; *EN: this denotes using various methods to display information, including color changes,*

Art Unit: 2129

font changes, thickness changes, and other methods of displaying information).

As per **claim 17**, Barker discloses, "distributing arcs for completion ... and combining completed and scored arcs into a wheel" (pg.3; *EN: this denotes a large complete implications wheel*). "Scoring" (Pg.14-15; *EN: this denotes numerous slides which disclose scoring in association with the wheel*).

Bollacker further defines "scoring" (Pg.7, particularly paragraph 0074; *EN: this denotes scoring nodes with a confidence value (likelihood) and an influence value (significance)*).

As per **claim 18**, Bollacker discloses, "visually ... the wheel in a plane skewed to a plane defined by a monitor screen" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see*).

While Schrier and Bollacker do not explicitly disclose, "rotating" it would none-the-less be rendered obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate a graph as needed for the user to view since it was known in the art at the time that

rotating is a way to browse through a graph to see a particular portion a user is interested in.

As per **claim 19**, Bollacker discloses, "Wherein the wheel is rotated when a node is selected; the selected node being rotated to the foreground" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see).*

As per **claim 20**, Bollacker discloses, "Wherein the nodes forming the wheel are displayed in a diminished mode such that the implication within the node is not revealed" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052 and paragraphs 0042-0046; *EN: this denotes a structured argument as seen in figure 4. It further includes the ability to edit, hide, zoom, and manipulate the argument (or in this case, the wheel disclosed by Schrier) to show what the user wishes to see pg.3, particularly paragraph 0033; EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information).*

As per **claim 21**, Bollacker discloses, "Fully displaying a portion of the nodes, including revealing the implications within some of the nodes" pg.3, particularly paragraph 0033; *EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information* pg.3, particularly paragraph 0033; *EN: this denotes using various methods to display information, including color changes, font changes, thickness changes, and other methods of displaying information*).

Claim Rejections - 35 USC § 103

8. **Claim 14** rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Barker ("Exercise: Improving Mediocre Implications" - Filed as NPL on 1/16/2009 by applicant) and Bollacker et al (US 2005004996 A1) in view of Amini (US 6581102 B1).

As per **claim 14**, Barker discloses, "Scoring" (Pg.14-15; *EN: this denotes numerous slides which disclose scoring in association with the wheel*).

Bollacker further defines "Scoring" (Fig. 4 and associated paragraphs, particularly paragraphs 0047-0052; *EN: this denotes taking information from numerous sources (view points) as seen in Figure 4, and using them to make predictions, as well as scoring the various pieces with confidence and influence values,*

Art Unit: 2129

determining how important/likely/correct a source of information is).

Neither Barker nor Bollacker explicitly discloses, "Electronically distributing" or "Encrypting data associated with one arc."

Amini discloses, "electronically distributing" or "Encrypting data associated with one arc." (C20, particularly L24-37; *EN: This denotes electronically distributing information using encryption to protect that information*).

The combination of Barker and Bollacker and Amini are analogous art because they all involve electronic information.

At the time of invention it would have been obvious to one skilled in the art of electronic information to combine the work of the combination of Barker and Bollacker, with Amini in order to use encryption to protect information while it is being transferred.

The motivation for doing so would be to make sure information "being transmitted over the public network is secured" (Amini, C20, L23-38).

Therefore at the time of invention it would have been obvious to one skilled in the art of electronic information to combine the combination of Barker, Bollacker, and Amini in order

Art Unit: 2129

to use encryption to protect information while it is being transferred.

Response to Arguments

As per claims 1-21, in re pg.8, the applicant argues,

Several points are established in the record and are beyond dispute.

- Applicant constructively reduced the invention to practice at least as early as the filing date of the application at which point the invention is deemed "made" for the purposes of 35 U.S.C. §103(a). The invention was made on or before March 12, 2004.
- The Schreier reference is "prior art" known to one of ordinary skill in the art "at the time the invention was made." Applicant admits the content of the Schreier reference preceded the present invention.
- The Heckerman et al. reference was NOT "prior art" known to one of ordinary skill in the art "at the time the invention was made." This reference was not known to those of ordinary skill in the art until May 2004.
- The Bollacker et al. reference was NOT "prior art" known to one of ordinary skill in the art "at the time the invention was made." This reference was not known to those of ordinary skill in the art until March 2005.
- The Amini reference is "prior art" known to one of ordinary skill in the art "at the time the invention was made." This reference was known to those of ordinary skill in the art in June 2003.

First, the examiner highly suggests that the applicant review the relevant portions of the MPEP, Particularly section 35 U.S.C. 103 and U.S.C. 102. Both of these sections disclose just what is defined as prior art.

Particularly, U.S.C. 103 states,

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Further, U.S.C. 102 states,

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives

Art Unit: 2129

or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor 's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in – **(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent** or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

As stated above, the applicant shows a priority date of March 12, 2004. That date being the applicant's filing date. In reference to the Heckerman et al application (US 6742003 B2), the reference clearly shows a **filing date of April 30, 2001.** This places the reference within the realm of U.S.C. 102(e)

Art Unit: 2129

making it viable prior art under U.S.C. 103, as a filing date of April 30, 2001 is many years prior to March 12, 2004.

In reference to Bollacker et al (US 20050049986 A1), this application has a **filing date of August 26, 2003**. This places the reference clearly within the realm of U.S.C. 102(e), and is thus a viable reference under U.S.C. 103 as a filing date of August 26, 2003 is over six months prior to March 12, 2004.

Therefore both the Bollacker and Heckerman references **are** in fact, viable prior art, and the rejection under U.S.C. 103 using these references are maintained as seen above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2129

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben M. Rifkin whose telephone number is (571) 272-9768. The examiner can normally be reached on Monday through Friday 9:00 AM-6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2129

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 6, 2009

Ben Rifkin
Examiner
Art Unit 2129
/David R Vincent/
Supervisory Patent
Examiner, Art Unit 2129